

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,  
*Plaintiff,*

**NOTICE OF MOTION  
TO FILE UNDER SEAL**

v.

**Case No: 15-CR-149**

FRANK R. PARLATO, JR.,  
*Defendants.*

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S I R S :

PLEASE TAKE NOTICE, that upon the annexed affidavit of Herbert L. Greenman, Esq. the undersigned moves this Court for an Order allowing counsel to file the memoranda for Mr. Parlato under seal for reasons set forth in the affidavit annexed hereto and made a part hereof together with such other and further relief as to this Court may seem just and proper.

DATED: Buffalo, New York  
October 1, 2021

Respectfully submitted,

/s/Herbert L. Greenman

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HERBERT L. GREENMAN  
LIPSITZ GREEN SCIME & CAMBRIA LLP  
Attorneys for Defendant  
FRANK PARLATO  
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42 Delaware Avenue – Suite 300  
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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

*Plaintiff,*

**AFFIDAVIT  
TO FILE UNDER SEAL**

v.

**Case No: 15-CR-149**

FRANK R. PARLATO, JR.,

*Defendants.*

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STATE OF NEW YORK     )  
COUNTY OF ERIE        SS:  
CITY OF BUFFALO        )

HERBERT L. GREENMAN, ESQ., being duly sworn, deposes and says:

1. I, along with Paul J. Cambria, Jr., Esq. and Justin Ginter, Esq. represent the defendant Frank Parlato, Jr.

2. Your deponent requests that the defendant's memorandum be filed under seal because there will be references to grand jury testimony. Defendant's exhibits will be attached which will include grand jury testimony.

WHEREFORE, your deponent prays that this Court rule accordingly.

DATED: October 1, 2021  
Buffalo, New York

Respectfully submitted,

/s/Herbert L. Greenman  
HERBERT L. GREENMAN, ESQ.  
PAUL J. CAMBRIA, JR., ESQ.  
JUSTIN D. GINTER, ESQ.  
LIPSITZ GREEN SCIME CAMBRIA LLP  
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Sworn to before me this 1<sup>st</sup> day  
of October, 2021

/s/Elizabeth M. Jagord-Ward

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Notary Public  
State of New York, Qualified in Erie County  
My Commission Expires October 31, 2022

TO: MICHAEL DIGIACOMO, ESQ.  
CHARLES KRULY, ESQ.  
ASSISTANT UNITED STATES ATTORNEYS  
Federal Centre  
138 Delaware Avenue  
Buffalo, New York 14202

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

*Plaintiff,*

v.

FRANK R. PARLATO, JR.,

*Defendants.*

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**ORDER**  
**Case No: 15-CR-149**

**UPON THE MOTION OF THE DEFENDANTS**, requesting that the  
Memorandum be filed under seal, it is

**ORDERED**, that defendant's motion is granted and the Court will file said  
document under seal.

IT IS SO ORDERED.

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HON. JEREMIAH J. MCCARTHY  
CHIEF DISTRICT JUDGE

UNITED STATES DISTRICT COURT

DATED: October \_\_\_\_, 2021